

Report to Lucy Butler, Executive Director of Children, Young People and Learning

August 2021

Family and Community Support Services - Award of contract

Report by Susan Tanner, Assistant Director Children's Commissioning

Electoral divisions: All

Summary

The County Council has a statutory duty to provide a range of services to assist parents and carers of Children and Young People with disabilities and complex needs in ensuring appropriate and effective provision for the Child or Young Person in their care. Where these needs impact significantly on daily life, it can be necessary to commission specialist support and care provision. These services are currently commissioned through the Supported Living and Family Support Services Framework (SLFSSF); this Framework expired on 31st July 2021.

In February 2021 the Cabinet Member for Children and Young People approved the commencement of a procurement process to establish a new Framework Agreement for Family and Community Support for Children and Young People with Special Educational Needs and Disabilities (SEND) to replace the SLFSSF as the mechanism for sourcing these services, decision [CYP02 \(20/21\)](#) refers. As part of the decision the Cabinet Member also delegated authority to the Executive Director Children, Young People and Learning to implement the Framework Agreement for the initial 4-year period and further extension periods as necessary.

A competitive procurement exercise has been undertaken in accordance with the Public Contracts Regulations 2015 under the Light Touch Regime. The County Council is now in a position to award places on to the Framework to the successful Providers.

Recommendation

The Executive Director of Children, Young People and Learning is asked to:

- (1) Approve the award of places on the West Sussex County Council Framework for Family and Community Support for Children and Young People with Special Educational Needs and Disabilities to providers that have met the criteria and standards required, listed in paragraph 2.1, for an initial period of 4 years commencing 5th September 2021. There is an option to extend the Framework for a further 4 years should the delivery and performance of the Framework be satisfactory.

Proposal

1 Background and context

- 1.1 The County Council has a statutory duty to provide a range of services to assist parents and carers of disabled Children and Young People with complex needs in ensuring appropriate and effective provision for the Child or Young Person in their care.
- 1.2 The SLFSSF was introduced in April 2015 to develop the supported living market for all ages.
- 1.3 The planned introduction of Providers that offered services to Children and Young People to the SLFSSF did not develop as intended. The market for this type of provision was not established and there was limited interest from Providers in joining the Framework. Efforts to increase interest have not proved successful resulting in officers needing to commission the delivery of health and social services via individual purchase orders, from over 60 Providers, which is not an efficient use of resources. For these reasons, it has been decided that, on expiry of the existing Framework in July 2021 a new Framework Agreement specifically for Children and Young People with SEND is needed.
- 1.4 In February 2021 the Cabinet Member for Children and Young People approved the commencement of a procurement to establish this new Framework Agreement (decision reference [CYP02 \(20/21\)](#) refers).
- 1.5 A Contract Notice was issued on the Find a Tender Service website on 29th March 2021 (ref 2021/S 000-006368).
- 1.6 Further promotion of the opportunity to tender was made through the West Sussex e-Sourcing Portal and Contracts Finder. The Framework consists of two Lots - Lot 1 Standard Care and Support and Lot 2 - Enhanced Care and Support; providers could apply to be on either one or both Lots.
- 1.7 The tender evaluation featured technical, commercial and compliance elements, with all elements being assessed on pass/fail basis by subject experts. Providers that passed all elements of the pass/fail criteria, have been successful in gaining a place on the Framework.

2 Proposal details

- 2.1 It is proposed that the named Providers in the table below are awarded a place on the West Sussex County Council Framework for FACS for the relevant Lot:

Lot 1	Lot 2
Affinity Trust Sutton	Affinity Trust Sutton
Appletree Support	Appletree Support
Aspens Charity	Aspens Charity
Caremark Chichester	
Caremark Ltd (Pulborough)	
Chailey Heritage	Chailey Heritage
DMC Signature	DMC Signature
Kardinal Healthcare	Kardinal Healthcare
Sillywater	
Taylor Grace	

- 2.2 The Framework will commence on 5th September 2021. The initial period of the Framework Agreement will be four years, with an option to extend for a further four years.
- 2.3 The Framework will be open so that new providers can join at any time. All providers, whenever they join, will go through the same evaluation process to assess their suitability for admission to the Framework. New providers awarded places on the Framework will be approved under the Executive Director of Children, Young People and Learning's onward scheme of delegation.
- 2.4 The Framework agreement will:
- increase market capacity to provide greater family support and care services;
 - enable the procurement of services that support Children and Young People and their families to build resilience and maximise opportunities to develop independence and life skills;
 - align service models to ensure effective transition to adulthood for the 16 to 25-year-olds;
 - specify clearly the service models of care and support packages to be provided to Children and Young People and their families and ensure the Local Authority is compliant to all aspects of the Children and Families Act 2014;
 - provide cost-effective, community-based support packages to maintain Children and Young People within their families and local communities and prevent the need for more specialist provision;
 - help relieve budget pressures by being managed and overseen by the Children's Services' SEND Contract and Commissioning Team, ensuring the best value for money options are available to the Council.
- 2.5 When a service for a child or young person is required a suitable provider will be obtained through running a mini-competition process in accordance with the terms of the Framework Agreement. Authority to award the contract to the successful provider will be in accordance with the Executive Director of Children, Young People and Learning's onward scheme of delegation.

3 Other options considered (and reasons for not proposing)

- 3.1. Option 1: Do Nothing – Rejected. Off-Framework spend would continue, resulting in poor value for money and limited opportunities for quality monitoring or efficiency in delivering services for children and young people with SEND.
- 3.2. Option 2: Join an existing framework managed by another local authority – Rejected. Research has shown that there are currently no suitable existing frameworks in place that will enable the Council to specify the providers and models of delivery required.
- 3.3. Option 3: Procure a number of Block Contracts for particular services – Rejected. Future demands and specific individual requirements are too varied and uncertain for this approach.

4 Consultation, engagement, and advice

- 4.1 A virtual Market Engagement Event was held on 9th December 2020. 54 organisations were invited. 17 Providers attended, of which 13 were potential new Providers, some of whom are already providing Short Breaks provision.

- 4.2 Children with Disability Team Managers were consulted on the draft Service Specification and the West Sussex Parent Carer Forum invited to participate. Feedback and views were used to inform development of the Service Specification.
- 4.3 A Bidders Briefing was held on 31st March 2021. 22 attendees joined members of the Commissioning and Procurement teams for the briefing.

5 Finance

5.1 Revenue consequences

The Family and Community Support Services budget already funds placements for Children and Young People with Special Educational Needs and Disabilities (SEND). This proposal will help to ensure the efficiency and cost-effectiveness of such placements, however, no additional direct costs or savings are anticipated as a result of establishing a new Framework Agreement.

	Current Year 2021/22 £m	Year 2 2022/23 £m	Year 3 2023/24 £m	Year 4 2024/25 £m
Revenue budget	0.701	0.701	0.701	0.701
Change from proposal	-	-	-	-
Remaining budget	0.701	0.701	0.701	0.701

5.2 The effect of the proposal:

(a) **How the cost represents good value**

There will be a pre-agreed pricing structure that commits the Providers to maintain their maximum prices across the term of the contract but is reflective of the complexity and model of the support required. Quality monitoring will ensure that costs represents service value.

Final Price Submissions (mini competition) will be requested from Providers on the Framework based on the Care Plan's individual requirements.

(b) **Future savings/efficiencies being delivered**

There is scope for future cost avoidance by commissioning family and community support services to allow Children and Young People to continue living at home, to prevent crises leading to more expensive residential provision.

(c) **Human Resources, IT and Assets Impact**

None.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Strategic or key Providers fail to meet the standards required to secure a place on the Framework.	Work with Providers to assess reasons for failure through feedback from Procurement. Open Framework which allows Providers to reapply during the Framework period.

Risk	Mitigating Action (in place or planned)
The Contract award is challenged.	Procure in line with the Council's Standing Orders and the Public Contracts Regulations 2015. Liaise with Legal and corporate Procurement departments at all stages and ensure documentation is kept.
An insufficient number of Providers apply to the new Framework.	Market Engagement Event has generated interest in the opportunity. Active Commissioning and contractual engagement will continue throughout the Framework terms to continue to add Providers to the Framework.
Some Providers of existing provisions when the current Framework expires may not wish/be able to join the new framework agreement.	Work with Providers to assess reasons for failure through feedback from Procurement. Thorough risk assessments will be conducted and identification of continued support or change for the child/young person will be evaluated with key indexes being, but not limited to, health and wellbeing of the child or young person, risk to noncompliance, value for money.
The service provided to the child/young person is required to change, for example due to a change in medical circumstances, after award of contract is agreed.	Review in line with the Council's Standing Orders and the Public Contracts Regulations 2015. Liaise with Legal, operational, and corporate Procurement departments at all stages of assessment.

7 Policy alignment and compliance

7.1 Legal Implications:

The Council will enter into a services contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.

7.2 Equality duty and Human Rights assessment

All West Sussex residents with assessed eligible social care needs have a right to have those needs met through the local authority. The proposals are developed in order to ensure that the Council can support this right. Providers will also be expected to have recruitment, retention and staff employment and management policies and procedures in place that adheres to equality and human rights legislation.

7.3 Climate Change

The County Council has committed to be net carbon zero by 2030 and is taking action to achieve this across the Council's estate and operations. Commissioned services under the new framework agreement will be located within West Sussex, or within neighbouring local authorities where appropriate, limiting the need for extensive travel, and therefore emissions, for both the young people and their professional network. Where possible and practical to do so, the Commissioned services must take steps to limit carbon emissions associated

with the delivery of the Services. The Council reserves the right to request evidence of the steps the Provider is taking as part of the contract monitoring process.

7.4 Crime and Disorder

Providers will be required to adhere to legislation, including Disclosure and Barring Service checks of all staff.

7.5 Public Health

One of the key goals for the West Sussex Joint Health and Wellbeing Strategy 2019-24, under the 'starting well' priority, is that Children and Young People are healthy and independent and that services therefore work to ensure comprehensive pathways and care packages are available to support them. Recognising the positive impact that this can have on young people's physical and mental health and wellbeing and life chances.

Commissioned service outcomes include ensuring that Children and Young People attain and maintain their optimum level of health, safety, welfare and lead a fulfilling life. The new framework agreement will allow existing services to continue and increase supply as more providers are enabled to join.

7.6 Social Value

Bidders have been asked to outline their activities and commitment to social value when submitting their tenders to join the Framework. This was not a scored item as there is no guarantee of any services being awarded to each bidder. Providers that are awarded call-off contracts will be asked annually to outline their activities with regards to Social Value so that these can be recorded on the WSCC Social Value Tracker.

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Background papers – None